

UNITED STATES DIS TRIC T COURT
SOUTHERN DISTRICT OF NEW YORK

x

MOISES MENDEZ,

Plaintiff,

-against-

STARWOOD HOTELS & RESORTS
WORLDWIDE, INC.,

Defendant.

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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/8/09

08 Civ. 4967 (CM)

x

SCHEDULING ORDER

McMahon, J.:

I have received various letters from counsel in connection with the remand of this action and further scheduling of events.

The final pre-trial conference is scheduled for October 16, 2009. It remains scheduled for that date. I will not extend the date for the final pre-trial conference to accommodate the possibility that an attorney who has just been added to the case will be having a child at about that time. I do not suggest that Attorney Forrest was added in order to engender delay, but when I was practicing law, we turned down assignments that we could not fulfill because of momentous obligations like the birth of a first child. Holland & Knight has more than one available litigator in New York, even allowing for the lawyers who practice maritime and other types of law.

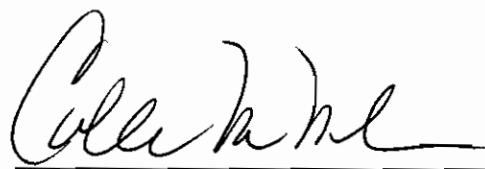
Apparently the court neglected to set a date for the filing of the final pre-trial order. It is due on September 25. In limine motions are also due September 25. I would not expect to see a great many in limine motions in connection with this case. Responses to in limine motion are due October 2. I do not accept replies on in limine motions.

Parties are under a continuing obligation to update discovery in the event that relevant information surfaces. If any new information or documents/things came into existence during the stay imposed by the Second Circuit, it should be provided to opposing counsel by the end of this week.

I am unable at this time to alter the trial date. I have other trials scheduled through the end of the calendar year, and several lengthy criminal trials starting at the first of the year. I am not prepared to postpone this trial indefinitely; the interlocutory appeal from

my decision was frivolous and led to more than enough delay. I will see if I can reschedule something else in order to accommodate plaintiff's counsel's desire to attend a conference that week, but if I cannot make alternative arrangements with counsel in another case, we will have to try the case on November 2.

Dated: September 8, 2009



U.S.D.J.

BY ECF TO ALL COUNSEL